

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HERBERT W. MORRISON, JR.,

Plaintiff,

v.

ANDREW HALE,

Defendant.

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No. 4:17-cv-875-NAB

**MEMORANDUM AND ORDER**

This matter is before the Court upon remand from the Eighth Circuit Court of Appeals for calculation and collection of the appellate filing fees. Plaintiff has been granted leave to proceed in forma pauperis on appeal.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner appealing a civil action in forma pauperis is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his prison account to pay the entire fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20% of the greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20% of the preceding month's income credited to his account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10, until the filing fee is fully paid. *Id.*

Plaintiff has submitted a certified inmate account statement showing an average monthly deposit of \$187.60, and an average monthly balance of \$74.88. The Court will therefore assess

an initial partial filing fee of \$37.52, which is twenty percent of plaintiff's average monthly deposit.

Accordingly,

**IT IS HEREBY ORDERED** that, within 30 days of the date of this order, plaintiff shall pay an initial partial filing fee of \$37.52. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) the statement that the remittance is for the appeal of the instant action.

Dated this 29th day of April, 2019.

/s/Nannette A. Baker

NANNETTE A. BAKER

UNITED STATES MAGISTRATE JUDGE